

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, JUNE 8, 2005 – 6:30 P.M.
CITY HALL
CITY COMMISSION CHAMBERS – 1st Floor
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FL**

BOARD MEMBERS

| | <u>Present/Absent</u> | <u>Cumulative from January 2005</u> |
|--------------------------------|------------------------------|--|
| Gus Carbonell | A | 6-1 |
| Don Larson | P | 7-0 |
| Fred Stresau | A | 5-2 |
| Scott Strawbridge | P | 7-0 |
| Binni Sweeney | P | 5-2 |
| E. Birch Willey | A | 6-1 |
| Patricia A. Rathburn, Chairman | P | 5-2 |

ALTERNATES

| | | |
|---------------|---|-----|
| Al Massey | A | 5-2 |
| Gerald Jordan | P | 3-1 |

STAFF

Robert Dunckel, City Attorney
Don Morris, Acting Zoning Administrator

Margaret A. D'Alessio, Recording Secretary
Jamie Opperlee, Court Reporting Service

GUESTS

| | |
|---------------|-----------------|
| Sarah Stewart | Peter Lydescher |
| Heidi Davis | Vivian Godfrey |
| James McCulla | |

CALL TO ORDER

Chair Patricia Rathburn proceeded to call the meeting to order at approximately 6:37 p.m. and explained the procedure to be followed for tonight's meeting. The Board was then introduced.

APPROVAL OF MINUTES

Motion made by Binni Sweeney and seconded by Don Larson to approve the minutes of the Special Meeting of the Board of Adjustment dated April 20, 2005. Board unanimously approved.

Motion made by Binni Sweeney and seconded by Don Larson to approve the minutes of the May 11, 2005 meeting. Board unanimously approved.

Gerry Jordan stated that he would meet with staff and clarify his attendance record and the date when he was an official alternate for this Board.

Scott Strawbridge reminded staff that he was now an official member of this Board. Don Morris explained that as individuals left the Board, alternates were moved up. He stated that he believed Scott Strawbridge was a member of the Board and would clear up the matter with the City Clerk's office.

ALL INDIVIDUALS WISHING TO SPEAK ON THE MATTERS LISTED ON TONIGHT'S AGENDA WERE SWORN IN.

2. APPEAL NO. 05-20

APPLICANT: Kaplan University

LEGAL: "Fort Lauderdale Industrial Park – Sec. 2", P.B. 63,
P. 8, Lots 25, 26, 38, 39

ZONING: AIP (Airport Industrial Park)

STREET: 6301 NW 15 Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-18.13.C.2 – Flammable Liquids and Fuel Storage - Requesting a variance to permit the installation of 5,000 gallon above-ground diesel fuel tanks where the Code restricts such above-ground storage tanks to 550 gallons in the AIP zoning district.

Don Morris advised that this item had been withdrawn from tonight's agenda.

1. APPEAL NO. 05-18

APPLICANT: Ruth K. Sargent

LEGAL: "Breezyway Manor," P.B. 28, P. 18, Block 2, Lot 1

ZONING: RS-8 (Residential Single Family/Low Medium)

STREET: 3404 SW 12 Court

ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-3.3B.3 – Nonconforming lot – Requesting a variance to allow two (2) merged lots to be separated and;

APPEALING: Sec. 47-5.31 Table of Dimensional Requirements for the RS-8 District – Requesting a variance for a 5,250 sq. ft. lot where Code requires a minimum lot size of 6,000 sq. ft.

Sarah Stewart, SS Consulting, proceeded to show an aerial map of the subject area. She advised that the applicant, along with her husband, purchased the property in 1957 and the vacant lot in 1959. She stated that the vacant lot was over 6,000 sq. ft. and the lot on which the house sat was smaller. If the vacant lot was sold, the house would become non-conforming because the lot would be less than 6,000 sq. ft. Therefore, a variance was needed for their lot so the vacant lot could be sold and a house constructed on that site. She further stated that the lots in the area were 50' x 105' and were less than 6,000 sq. ft. She further stated that the vacant lot was located at the end of the block.

Robert Dunckel stated that this was an interesting case, but wanted to provide a different perspective. He continued stating that he had sympathy for the applicant, but he wanted to draw the Board's attention to Section 47-3.3B.3 which read as follows: "If two or more lots with contiguous frontage are in a single ownership, and if any of the lots are non-conforming, the non-conforming lot and the parcel or lot abutting the non-conforming lot shall be deemed by operation of law to be merged and consider to be one undivided plot." He stated that the net result was that the property would end up being developed if the variance was granted in accordance with how the land had been platted in 1952. This was a peculiar circumstance.

Scott Strawbridge stated that it appeared some of the lots in the area might be less than 50'. Ms. Stewart stated that most of the lots were 50'. Scott Strawbridge felt that this case was the "poster child." Robert Dunckel reiterated that the lots were 50' with the exception of the corner lots.

Chair Patricia Rathburn proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by Binni Sweeney and seconded by Don Larson to close the public hearing. Board unanimously approved.

Motion made by Binni Sweeney and seconded by Scott Strawbridge to approve the request as submitted. Roll call showed: YEAS: Don Larson, Binni Sweeney, Scott Strawbridge, Gerry Jordan, and Patricia Rathburn. NAYS: None. Motion carried 5-0.

3. APPEAL NO. 05-21

APPLICANT: The Harbor Shops

LEGAL: Parcel P.B.C of Port Business Center, P.B. 170, P. 42 & 43,
together with Parcel "A" 1301 Plat, P.B. 171, P. 60 & 61,
together with Parcel "A", Dolphin Plat,
P.B. 172, P. 138-140

ZONING: PEDD (Port Everglades Development District)

STREET: 1800 S.E. Cordova Rd.

ADDRESS: Fort Lauderdale, FL

APPEALING: **Sec. 47-15.23 Table 1 Commercial and Industrial Signs – Occupant Identification** – Requesting a variance from the PEDD sign provision to allow five (5) of the second floor signs, which are "tenant feature signs," be permitted to have letters and/or logos not larger than 24", where 12" was previously approved by the Board of Adjustment on May 11, 2005.

Chair Patricia Rathburn announced that this item had been presented to the Board last month, but the Board had felt that there had not been proper advertisement of the item.

Don Larson asked if the changes regarding the advertisement of this item had been made as requested by the Board. Ms. Davis confirmed.

Chair Patricia Rathburn stated that the previous approval had been tied to the sign plan as submitted. Don Morris advised that a matrix had also been included. Chair Patricia Rathburn explained that tonight the sign plan would be presented that had been shown to the Board last month. Don Morris confirmed.

Chair Patricia Rathburn proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by Don Larson and seconded by Scott Strawbridge to close the public hearing. The Board approved unanimously.

Robert Dunckel stated that what had been advertised was 24" across the board.

James McCulla, agent for Harbor Shops, stated that in meeting with staff regarding the correction for the advertisement of this item, they had been advised to make this as simple as possible, and to advertise for "up to 24" letters or logos." He explained it was not their intention, desire or request that all letters on the signs be 24" in height. He proceeded to provide some examples of signs for various businesses. He stated that they did not want uniform 24" letters.

Binni Sweeney stated that they could have anything they wanted, as long as the letters were not "larger than." Chair Patricia Rathburn reiterated that meant all the letters could be 24". Robert Dunckel confirmed, and stated that at the previous meeting a variance had been granted permitted 12" letters. Mr. McCulla explained those were uniform 12" letters. Robert Dunckel further explained that the present advertisement would permit every letter to be 24", and he did not think that was consistent with what the Board had thought previously. Mr. McCulla stated it was not their intent, request or desire, and it was something pointed out by Mr. Stresau, but he did not know how to word it. He explained they were attempting to put retail signage up.

Robert Dunckel stated that the Code restricts letters to 8", and previously the applicant requested 12" and some larger, but it was his understanding that most of the letters would be 12" and some higher.

Chair Patricia Rathburn stated they needed to provide the flexibility for a nice sign.

Vivian Godfrey, an owner of Blue Water Books and Charts, stated that at the previous meeting the 67 Wine & Spirits logo had been discussed which they felt was very loud. Their logo consisted of a 24" wave, and the "B and L" were 22", with the "T" being 20" and the "R" 18" with the remaining letters being 15". She stated it was hard to put into an advertisement all eventualities that could arise.

Robert Dunckel continued stating that there were two existing signs which could be approved.

Mr. McCulla further stated that when this matter was presented, they had requested that the shopping center sign ordinance be applied for the five-featured areas. He stated that the discussion regarding those areas had ceased due to the wording used in the advertisement which was included

at the end of the description that limited all letters to 12". It had never been their request to have the featured signs contain standardization.

Robert Dunckel further stated that if the Board approves the two existing signs which appeared to have everyone's approval, they would be setting the standard for other tenants. Therefore, the Board might want to consider granting a variance for the other signs that would permit logos up to 24" and the letters "D, F, G, H, J, K, L" and so on to be up to 24" including capital letters, but other letters would be reduced to 18".

Scott Strawbridge stated that the worst scenario if this variance was approved as submitted would be that a sign could contain 24" letters in a shopping center consisting of 20 acres.

Robert Dunckel stated that he wanted to warn everyone about a "split vote" because it could do a lot of damage.

Scott Strawbridge felt they were micro-managing something that had a decent solution to it. Robert Dunckel reiterated that they needed to consider the opinions of the remaining Board members.

Binni Sweeney suggested that numbers should be included for the signs for future reference.

Don Larson stated that he liked the layout of the signs and the plaques.

Chair Patricia Rathburn suggested that if the variance was granted that they permit the feature signs to be no greater than 24" provided that not all letters within the sign would be that large. Robert Dunckel suggested that the letters be proportionate to the standard set by Charlie's Locker and Blue Water.

Motion made by Don Larson and seconded by Binni Sweeney to allow signage with no more than 70% of logos, letters or numbers (characters) at a maximum height of 24", with the remaining 30% of logos, letters or numbers at a maximum of 20".

Don Larson stated that the real governing factor in this issue would be the complex itself. He did not want the signs to contain all 24" letters.

Roll call showed: YEAS: Don Larson, Binni Sweeney, Scott Strawbridge, Gerry Jordan, and Patricia Rathburn. NAYS: None. Motion carried 5-0.

"For the Good of the City"

No reports given.

Motion made by Don Larson and seconded by Scott Strawbridge to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 7:25 p.m.

Chair

Patricia Rathburn

ATTEST:

Jamie Opperlee for Margaret A. D'Alessio
Recording Secretary

A mechanical recording is made of the foregoing proceedings, of which these minutes are a part, and is on file in the Planning & Zoning Offices for a period of two (2) years.
